IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 15673 of 2004

Between:

P. Krishna Murthy, S/o. Sri P. Nagaiah,
H.No. 5-3-426/5, Pakabanda Bazar, Khammam - 507 001.

..... PETITIONER

AND

1 Andhra Pradesh Forest Development Corporation Limited (A Government of Andhra Pradesh Undertaking), 3rd floor,
UNI Building, A.C. Guards, Hyderabad - 500 004. Represented by its Vice-Chairman & Managing
Director.
2 Regional Manager, (Hyderabad Region), Amdhra Pradesh Forest Development Corporation Ltd.
(A Government of Andhra Pradesh Undertaking), UNI Building, A.C. Guards, Hyderabad - 500 004.

3 Divisional Manager, (Warangal Division), Amdhra Pradesh Forest Development Corporation Ltd.
(A Government of Andhra Pradesh Undertaking), H.No. 2-5-819, KLN Reddy Colony, Subedari,
Hanamkonda - 506 001.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate Writ, Order or directions calling for the records relating to Office Order NO. 243/2004 (Proceedings Ref. No. PD/1-5-49/2004/2854) dated 18-8-2004 on the file of the 1st respondent herein and quash the same.

Counsel for the Petitioner: MR.G.RAMACHANDRA RAO

Counsel for the Respondents: MR.P.SREE RAMULU NAIDU

The Court made the following :

ORDER:

Heard both sides and at their request the main Writ Petition itself is taken up for disposal.

The petitioner, who has been working with the respondent Corporation, filed this Writ Petition, inter alia, seeking to assail the impugned orders dated 18.8.2004 retiring him from the service of the Corporation.

The case of the petitioner is that having regard to the paralysis with which he suffered, he became physically weak and unable to attend regular duties, therefore, on that ground, the present impugned order is passed which is directly in the teeth of the mandate as contained under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1995. Further it is also his case that he has filed a representation to give any other suitable post and the same is not yet considered. Hence, the present Writ Petition.

Having heard the learned counsel appearing on either side and also on perusal of the material, it is seen that the question as to the effect of non-compliance of Section 47 of the aforesaid Act, is no longer *res integra* and this Court in a decision reported in SK. MOULANA VS. DM, APSRTC, BANSWADA DEPOT, NIZAMABAD, held that the same is mandatory. In the circumstances, one is entitled to the benefit as conferred there under.

In this case, the case of the petitioner is not considered for providing alternative employment or even other alternatives as provided under law. In the circumstances, the impugned order is set aside and the matter is remitted back to the respondents for fresh consideration and disposal in accordance with law after giving notice to the petitioner and also taking into consideration the representation filed by

the petitioner.

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30.12.2004

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To

1 Andhra Pradesh Forest Development Corporation Limited (A Government of Andhra Pradesh Undertaking), 3rd floor,
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